

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO  
ALL CLASS CASES

Judge Patti B. Saris

**CORPORATE DEFENDANTS' MOTION TO ENLARGE TIME TO RESPOND TO THE  
SUPPLEMENTAL MEMORANDUM OF THE HAVILAND LAW FIRM, LLC IN  
SUPPORT OF MOTION FOR APPOINTMENT AS CLASS COUNSEL FOR THE  
TRACK 2 CONSUMER SUB-CLASSES PURSUANT TO FED. R. CIV. P. 23(g)**

Baxter Healthcare Corporation, as a Defendant in the MDL 1456 class action and as liaison counsel in the New Jersey action (International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC, et al.) respectfully files this Motion for enlargement of time until October 2, 2007, for certain Defendants named in both MDL 1456 and the New Jersey action to file a response to the Haviland Law Firm's Supplemental Memorandum filed September 18, 2007 (Docket Number 4729). In support of this Motion, Corporate Defendants provide the following:

1. At the September 11, 2007 class counsel status conference, the Court asked Plaintiffs' counsel Donald Haviland to brief his position in support of his appointment as co-lead class counsel. The Court also indicated that Defendants could respond to Mr. Haviland's and other class counsel's papers if, after reviewing the papers, they desired to submit a response. On September 18, 2007, Mr. Haviland consequently filed his Supplemental Memorandum in Support of his appointment as co-lead class counsel.

2. On September 20, 2007, Plaintiffs' counsel Steve Berman filed a response opposing Mr. Haviland's appointment as co-lead counsel.

3. Both Mr. Haviland's and Mr. Berman's papers raised a number of complex issues pertinent to the Defendants in both the MDL class action and the New Jersey case. Defendants request a short extension of time, until October 2, 2007, in order to fully consider and brief these issues for the Court. Defendants submit that the gravity of the issues at hand warrant an additional week extension.

4. Defendant Baxter Healthcare Corporation contacted both Mr. Haviland and Mr. Berman, on September 20, 2007, regarding Defendants' request for an extension. Mr. Berman indicated that he neither opposes nor consents to our request. Mr. Haviland has not responded to our request, but in the light of the time constraints, Defendants were constrained to go ahead and file this Motion.

For the above reasons, Baxter Healthcare, on behalf of the Corporate Defendants, respectfully request that this motion be granted.

Dated: 9/21/07	<u>/s/ J. Andrew Jackson</u> J. Andrew Jackson Merle M. DeLancey <b>DICKSTEIN SHAPIRO LLP</b> 1825 Eye St., N.W. Washington, DC 20037 Telephone: (202) 420-2200 Facsimile: (202) 420-2201  Counsel for Defendant BAXTER HEALTHCARE CORPORATION on behalf of Corporate Defendants
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**CERTIFICATE OF SERVICE**

I hereby certify that I, Shamir Patel, an attorney, caused a true and correct copy of the foregoing, **CORPORATE DEFENDANTS' MOTION TO ENLARGE TIME TO RESPOND TO THE SUPPLEMENTAL MEMORANDUM OF THE HAVILAND LAW FIRM, LLC IN SUPPORT OF MOTION FOR APPOINTMENT AS CLASS COUNSEL FOR THE TRACK 2 CONSUMER SUB-CLASSES PURSUANT TO FED. R. CIV. P. 23(g)**, to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, on September 21, 2007, for posting and notification to all parties.

By /s/ Shamir Patel  
Shamir Patel  
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